

REMARKS

A. Status of the Claims

By the present amendment, claims 32-38 have been amended to more particularly define the Applicants' invention and to claim it with greater specificity. Claims 1-31 and 39 were previously canceled without prejudice. No new matter have been added. The support to the claims amendments can be found throughout the original application, as filed. See, e.g., FIG. 5 (depicting a plurality of the LEDs 43) and the description on page 14, second paragraph.

Claims 32-38 are pending.

B. Rejections Under 35 U.S.C. §102 (b)

Claims 32-38 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,729,076 to Masami et al. ("Masami") (item 3 on page 2 of the Office Action). The Examiner alleged that all the limitations of these claims are disclosed by Masami. This rejection is respectfully traversed on the following grounds.

It is axiomatic that under 35 U.S.C. §102 (b), a valid rejection of a claim for anticipation by a reference requires that the reference explicitly or inherently describe all of the elements, limitations, and relationships recited in the claim. It is well established that to have a proper rejection under 35 U.S.C. §102 (b), each and every element of the claimed subject matter has to be found, either expressly or inherently described, in a single prior art reference (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); see also MPEP § 2131). It is submitted that Masami fails to describe all the elements and limitations recited in the instant claim 32, as amended.

Without conceding to the correctness of the rejection, but in order to expedite prosecution, the Applicants have amended the instant claim 32 to further define the scope of

protection being sought. In particular, claim 32, as amended, requires that optical irradiation device comprise

“a plurality of LEDs for emitting radiation,
the plurality of LEDs thermally connected to
a heat pipe, wherein all of the plurality of LEDs
are at an end of the heat pipe.”

The Applicants respectfully point out that nothing in Masami expressly or implicitly teaches nor even fairly suggests an optical irradiation device having all such elements, and in particular, a device where “all of the plurality of LEDs are at an end of the heat pipe” as recited in the instant claim 32, as amended.

The Applicants respectfully direct the Examiner’s attention to Figure 5 Drawing (E) (1) of Masami, which shows that the heat absorber is positioned in a central location relative to the LEDs arrayed in a plane. In this configuration it is clearly illustrated that “all of the plurality of the LEDs” will not be positioned at the end of the heat pipe as required by the instant claim 32, as amended.

In fact, with reference to Figure 5 Drawings (E)(2), E(3), and (F), Masami clearly illustrates that the LEDs are positioned along the length, namely, on the side of the heat absorber. It is, therefore, clear that Masami fails to describe that “all of the plurality of the LEDs” are positioned at the end of the heat pipe, recited in the instant claim 32, as amended. Indeed, Masami even expressly teaches away from such a feature.

Accordingly, Masami fails to explicitly or inherently describe all of the elements, limitations, and relationships recited in the instant claim 32, as amended, thus making claim 32 patentably distinguishable over Masami.

Each of claims 33-38 directly or indirectly depends on claim 32, and each is, therefore, patentably allowable for at least the same reason. Reconsideration and withdrawal of the rejection of claims 32-38 under 35 U.S.C. §102 are, thus, respectfully requested.

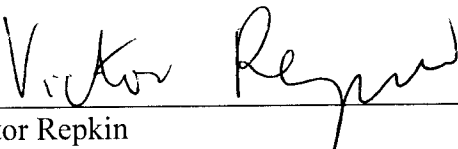
CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge \$1,050.00 as payment for the Petition for Three-Month Extension of Time fee to Deposit Account No. 07-1896. Additionally, the Commissioner is hereby authorized to charge any other fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896, referencing the above-referenced Attorney docket number.

Respectfully submitted,

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